

Exhibit “X” to Amended Verified Petition



TOWN HALL

TOWN OF MONTGOMERY

74 MAIN STREET
WALDEN, N. Y. 12586

July 17, 1989

Robert DiNardo, Esq.
90 E. Main Street
P.O. Box 1000
Washingtonville, NY 10992

RE: Mehlon Mine

Dear Mr. DiNardo:

As the previously designated lead agency for SEQR purposes, the Planning Board has classified this project as "Type I".

We are in receipt of the EA Long Form dated March 29, 1989. We believe that the information obtained at the June 26, 1989 public hearing requires us to request that a harder look be taken at the impacts of this project. We are not comfortable considering a negative declaration until the EAF is revamped with attached appendices, as necessary.

Specifically, we request you analyze and provide us with proposed mitigation measures on the following issues:

1. Blasting - we note that the 800 foot radius will not include any of the residences in the Town of Montgomery. The record indicates that previous blasting was noticeable for Kings Hill area homes and that water for some wells in the area may have changed composition at that time. We need more review of this issue.

2. Weight Limits - we are concerned about impacts on Kings Hill Road. Previous operations negatively impacted this roadway and the Town does not wish to have the same thing happen again. Also, trucks will have to cross the New York City Aqueduct and the appropriate NYC agency must sign off on this prior to our granting approval.

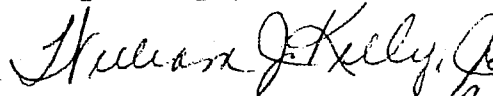
Mehlon Mine
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3. Dust Control, Hours of Operation, Noise, Traffic -
research further and provide mitigation proposals.

With regard to the boundary line issues, we enclose a letter received by our attorney from Mr. Carfizzi. Our Attorney has responded to this letter and you may wish to consult with him on this.

In a similar vein, our attorney requests that all parties understand that the Town of Montgomery will not accept any responsibility on behalf of your client if the boundary issue reveals that any of the subject property is in fact in the Town of Newburgh. Absent formal notification from the Town of Newburgh, our position remains that there is no municipal dispute. However, we should have a waiver and release from your client in favor of the Town prior to permit approval so that the record is clear.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William J. Kelly, Jr.", with a stylized flourish at the end.

William J. Kelly, Jr.
Planning Board Chairman

WJK:ctr